REMARKS

The Office Action dated March 7, 2006, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-35 are pending in the application, of which claims 1, 2, and 13 are independent claims. Claims 1-35 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1-35 are respectfully submitted for consideration.

Claims 1-35 were rejected on the ground of non-statutory obviousness-type double-patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,788,676 (the '676 patent). Applicants respectfully traverse this rejection.

The '676 patent is assigned to Nokia Corporation. The application that resulted in the '676 patent was filed on October 30, 2002. The present application, however, was filed February 13, 2002. According to MPEP 804(B)(1)(b), "[i]f the patent is the later filed application, the question of whether the timewise extension of the right to exclude granted by the patent is justified or unjustified **must be addressed**." (emphasis added) The MPEP goes on to explain that a two-way test is to be applied when the applicant could not have filed the claims in a single application and there is administrative delay.

The Office Action does not establish that the applications could have been filed together and the lack of common inventors suggests that they could not have been filed together. Moreover, the more than three years that it took for the U.S.P.T.O. to issue a first Office Action in this application clearly qualifies as administrative delay. Because the record

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makes this delay clear, the Office Action is **required** to show either how the applications could have been filed together or how the claims of the '676 patent are obvious in view of the claims of the present application **as well as** how the claims of the present application are obvious in view of the '676 patent. The Office Action does not include any such analysis. Accordingly, it is respectfully submitted that the Office Action does not establish a *prima facie* case for obviousness-type double-patenting and it is respectfully requested that the double-patenting rejection be withdrawn.

Claims 1-35 were provisionally rejected on the ground of non-statutory obviousness-type double-patenting as being unpatentable over claims 1-32 of U.S. Patent Application No. 10/202,563 (the '563 application). We note that the issue fee has already been paid for the '563 application, and it is expected to issue as a patent shortly. We note that only claims 6, 14, and 21 were allowed in the '563 application. The Office Action appears to have based its analysis on the originally filed claims of the '563 application. Accordingly, Applicants respectfully request that the Office Action consider the claims of the '563 application that are presently pending (or issued, if the '563 has issued by the time the Examiner considers this response). Applicants respectfully submit that this double-patenting rejection is moot in view of the current status of the claims of the '563 application. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 2, 7, and 9-11 were objected to as allegedly missing from the preliminary amendment filed February 13, 2002, as well as to claims 22-28 which depend from them. The previous law firm had filed the preliminary amendment in an unusual manner that seems to have unintentionally resulted in confusion. A properly formatted listing of all the claims is

included herewith. Accordingly, it is respectfully submitted that the objection is moot, and withdrawal of the objection is respectfully requested.

Claims 1-35 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,996,087 of Ejzak ("Ejzak"). Applicants respectfully traverse this rejection.

Claim 1, upon which claims 3-12 depend, is directed to a method for providing secure access to a packet data network. The method includes receiving a message from a terminal device connected to the packet data network. The method also includes deriving a first source information from the message. The method further includes deriving a second source information. The method additionally includes comparing the first source information and second source information. The method also includes initiating a protection processing based on a result of the comparing.

Claim 2, upon which claims 22-28 depend, is directed to a method for providing secure access to a packet data network. The method includes receiving a message from a terminal device connected to the packet data network. The method also includes deriving a first source information from the message. The method further includes deriving a second source information. The method additionally includes comparing the first source information and second source information. The method also includes initiating a protection processing based on a result of the comparing.

Claim 13, upon which claims 14-21 and 29-35 depend, is directed to a network element for providing secure access to a packet data network. The network element includes receiving means for receiving a message from a terminal device connected to the network element. The network element also includes deriving means for deriving a first source

information from the message, and for deriving a second source information. The network element further includes comparing means for comparing the first source information and second source information. The network element additionally includes protecting means for initiating a protection processing based on a comparing result of the comparing means.

Certain embodiments of the present invention can advantageously solve the problem of providing secure network access without using additional fields in a message and without requiring the proxy server to know the private identity and implicitly registered public identities. Because a comparison can be made from information derived from the message itself or from a source of information available at the concerned protection element, the need for knowledge of the private identity or an implicitly registered public identity can be advantageously eliminated.

Applicants respectfully submit that Ejzak fails to disclose or suggest all of the elements of any of the presently pending claims, and thus cannot provide the above-identified critical and unobvious advantages of certain embodiments of the present application.

Ejzak generally relates to a communication system including an **interworking mobile switching center** for call termination. As explained at column 3, lines 52-59, Ejzak describes that a packet-switched domain 131 can including a serving GPRS node (SGSN) 132 and a gateway GPRS support node (GGSN) 133. The SGSN 132 provides packet mobility management, authentication, session management, accounting, mapping of IP addresses to IMSI, maintenance of mobile state information, and interfacing with the GGSN

133. The GGSN 133 can provide internetworking between the SGSNs and external packet data networks using IP.

As explained at column 3, line 60 to column 4, line 9, Ejzak indicates that the IMSI 141 can include various components including a CSCF 143. The CSCF 143 is a signaling entity for call/session control. The CSCF 143 manages SIP sessions, provides features/services and coordinates with other network elements for session control, feature/service control and resource allocation. The CSCF 143 functions can include an incoming call gateway, a call control function, a serving profile database, and address handling. CSCF 143 can perform GMSC emulation as needed to support call delivery to IMS-homed subscribers served by an MSC server 152, and not being served by the IMSC 201. For subscribers that are served by the IMSC 201, the CSCF 143 provide features and services of the CS domain that are the same as those being provided for subscribers being serviced by the MSC server 152.

Claims 1 and 2 recite "initiating a protection processing based on a result of said comparing," claim 13 recites "protecting means for initiating a protection processing based on a comparing result of said comparing means." Applicants respectfully submit that Ejzak is silent as to at least these features of the presently pending claims.

The Office Action cited column 3, line 52 to column 4 line 9 and Summary as disclosing the above-identified features, but the cited passages make no mention either of initiating a **protection processing** or of initiating any processing **based on comparing first source information and second source information**. Going beyond the cited portion of the reference, and even assuming the BGSCF 143, which is described at column 4, lines 26-33,

performs "protection processing" (not admitted), it is respectfully submitted that there is nod disclosure or suggestion that the BGSCF 143 performs protection processing **based on comparing first source information and second source information**. Accordingly, it is respectfully submitted that Ejzak does not disclose or suggest all of the features of any of claims 1-2 and 13. It is, thus, respectfully requested that the rejection of claims 1-2 and 13 be withdrawn.

Claims 3-12 and 14-35 depend from claims 1-2 and 13 respectively and recite additional limitations. Accordingly, it is respectfully submitted that claims 3-12 and 14-35 recite subject matter that is neither disclosed nor suggested by Ejzak. It is, thus, respectfully requested that the rejection of claims 3-12 and 14-35 be withdrawn.

For the reasons explained above, it is respectfully submitted that each of claims 1-35 recites subject matter that is neither disclosed nor suggested in the cited art, and that a *prima facie* case for double-patenting of claims 1-35 has not been established. Accordingly, it is respectfully requested that the rejections of claims 1-35 be withdrawn, that all of claims 1-35 be allowed, and that this application be passed to issue.

If, for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact Applicants' undersigned attorney by telephone at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Petition for Extension of Time